

AO 91 (rev.11/11) Criminal Complaint

AUTHORIZED AND APPROVED DATE: s/Tiffany Noble 07/26/2022

A.M.G.
7/26/22

United States District Court
for the

WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK WAYNE DUNCAN,

Defendant.

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Case No: M- 22 - 537 - AMG

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of January 11, 2019, in the county of Stephens, in the Western District of Oklahoma, the defendant violated:

*Code Section**Offense Description*

Title 18 U.S.C. §§ 1153 & 2111

Robbery within Indian Country

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent, Steven Carrick, Federal Bureau of Investigation which is incorporated and made a part hereof by reference.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: July 26, 2022

City and State: Oklahoma City, Oklahoma



Complainant's signature

STEVEN CARRICK

Special Agent, Federal Bureau of Investigation



Judge's signature

AMANDA MAXFIELD GREEN, U.S. Magistrate Judge

Printed name and title

COMPLAINT AFFIDAVIT

I, Steven Carrick, a Special Agent of the Federal Bureau of Investigation (FBI),
Oklahoma City Division, being duly sworn, state:

AFFIANT'S EXPERIENCE

1. I have been employed as a Special Agent with the FBI since February 2022 and have been assigned to the Oklahoma City Division of the FBI for approximately 1 month. I completed the FBI Basic Field Training Course in Quantico, Virginia in June 2022.

PURPOSE OF AFFIDAVIT

2. This Affidavit is submitted in support of a warrant for the arrest of **MARK WAYNE DUNCAN (DUNCAN)** who committed the crime of Robbery, in violation of Title 18, United States Code §§ 1153 (crimes in Indian Country) and 2111 (robbery). Since this affidavit is being submitted for the limited purpose of securing a criminal complaint and an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to support the issuance of a criminal complaint and an arrest warrant.

FACTS AND CIRCUMSTANCES

4. On January 11, 2019, at approximately 6:41 p.m., Officer Tim Fitzpatrick with the Marlow Police Department (MPD), was dispatched to the Tangles Salon located

at 1420 North Broadway Street, Marlow, Oklahoma 73055, for an armed robbery call. Officer Fitzpatrick initially contacted two females, Tessa Myers (Myers) and Lindsey Riddle (Riddle), who explained they had just been robbed, as described below.

5. Myers was fixing Riddle's hair and heard commotion in the break area of the salon. A male wearing dirty denim jeans, a dark colored jacket that zipped in the front, grey ski mask, dark gloves, and dark tennis shoes with white soles walked into the salon area from the break room. The subject was armed with a revolver that was matte black in color and had a four-to-five-inch barrel with a sight on the end. The subject pointed the revolver at the two females, demanding their purses and all of the money in the register, ordering them not to try anything or he would kill them. After robbing them, he fled towards the back door of the building. The robber was described as a male, approximately 200 to 220 pounds, about six feet tall, and light-colored eyes.

6. Officer Fitzpatrick recalled previously contacting a man named Mark Duncan (**DUNCAN**), who closely matched the robber's description. Officer Fitzpatrick developed a six-pack photo lineup with **DUNCAN** included. He presented the lineup to Myers and Riddle, who both independently identified **DUNCAN** as the male who had robbed them.

7. Video surveillance from a nearby business revealed a male walking southeast of the salon just prior to the robbery. The male could be seen approaching the robbery location, then shortly thereafter, running away with a black bag in his hand. Jeremy Klima, an employee at the business, informed Officer Fitzpatrick that he and his father had

observed **DUNCAN** the day of the robbery wearing a blue hooded jacket, blue jeans, and black and white tennis shoes.

7. On January 12, 2019, MPD officers executed a search warrant at **DUNCAN'S** residence. **DUNCAN'S** girlfriend, Suzette L. Wilson, was the only one present at the time. During the search, officers located a black zip-up coat hanging up behind the bedroom door and a pair of dirty denim jeans matching the description of those worn by the subject during the robbery. MPD officers located **DUNCAN** walking nearby, placed him into custody, and transported him to the Marlow Police Department.

8. That same day, Myers went to the Marlow Police Department to turn in a voluntary statement. While there, officers requested Myers look at **DUNCAN** to see if she recognized him. Initially, Myers stated she was 90 percent sure he was the robber. However, after Myers heard **DUNCAN'S** voice, she began to cry and stated she was 100 percent certain he was the robber. **DUNCAN** was then interviewed, transported and booked into Stephens County Jail.

9. On February 12, 2020, a jury found **DUNCAN** guilty of robbery in the first degree. **DUNCAN** was sentenced to 20 years in state custody. On April 29, 2022, **DUNCAN** submitted an Application for Post-Conviction Relief to which he attached documentation showing he is an enrolled member of Cherokee Nation who had Indian blood. The offense occurred in Stephens County, Oklahoma, within the boundaries of Chickasaw Nation in the Western District of Oklahoma.

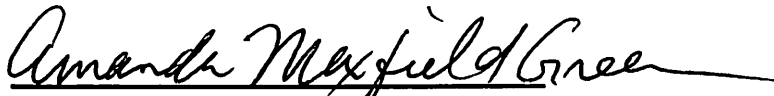
10. Based upon my training and experience, and the facts and circumstances described above, I believe probable cause exists to support a criminal complaint and arrest warrant for **DUNCAN** for violations of Title 18, United States Code §§ 1153 (crimes in Indian Country) and 2111 (robbery).

Further Your Affiant sayeth not.



Steven Carrick
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this the 26th day of July, 2022, at Oklahoma City, Oklahoma.



AMANDA MAXFIELD GREEN
United States Magistrate Judge